

Challenged Controversial Materials

The board believes that the school should be responsive to inquiries from the community regarding instructional material used in the schools. To meet this responsibility, the board directs the superintendent to establish procedures whereby complaints by a citizen or citizens of the school division regarding specific books, publications or materials used by or presented to the students may be processed in an orderly manner. The superintendent shall develop these procedures in accordance with the following guidelines:

1. The board recognizes the right of challenge specific books, publications, and other materials used in the schools and to request in writing that the building principal review the materials as to their appropriateness. The principal shall fully consider the request consistent with division regulations and within thirty (30) calendar days render a decision concerning it and inform the complainant in writing of that decision. A student shall not be required to read or use materials which the student's parents have objected to and challenged provided that the parent shall have made a request in writing to the building principal that his or her child be excused. In such case an appropriate alternative assignment may be substituted by the school.

2. Copies of all materials that are subject of a complaint shall be made available to the complainant. A refundable deposit based on the replacement value shall be required before materials are removed from school premises.

3. Complaints must be specific and in writing.

4. A decision of the building principal, which is unsatisfactory to the complainant, may be appealed by the complainant to the Assistant Superintendent for Instruction, provided that that appeal shall be in writing, and further provided that it shall be submitted to and received by the Assistant Superintendent no later than seven (7) calendar days after the decision of the principal has been received by the complainant.

5. Upon appeal the Assistant Superintendent for Instruction shall not consider the matter independently,

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but rather shall refer it to a committee, which the Assistant Superintendent shall select, convene and chair, and upon which he/she shall serve as a non-voting ex-officio member. The committee shall not render a decision, but rather shall make a recommendation to the Division Superintendent. The committee selected shall represent the views of students, parents, teaching staff and supervisory staff, and shall include among its membership (provided that they are currently employed by the division, or are otherwise available) representatives of the committee that originally selected the material in question.

6. The committee shall evaluate the challenged material in terms of the original criteria for selection, and shall invite the complainant to present his/her views in person to the committee. Upon having considered the matter, including the principal's report, the committee shall report its findings and make its recommendation to the Division Superintendent, through a report prepared by the Assistant Superintendent for Instruction.

7. Upon consideration of the findings and recommendation of the committee, which recommendation shall be of an advisory nature only, the Superintendent shall conference with the complainant, and thereafter upon such further consideration as the Superintendent deems appropriate, render a decision and inform the complainant of that decision in writing.

8. The complainant may appeal the decision of the Superintendent to the board, provided that the appeal shall be in writing, and further provided that it shall be submitted to and received by the Superintendent, or his designee, no later than seven (7) calendar days after the decision of the Superintendent has been received by the complainant.

The Board shall consider the matter at its convenience, but in no event shall initial consideration of the matter by the Board take place later than ninety (90) days after the Superintendent shall have received the written appeal of his decision by the complainant. After having reviewed the complaint, and the Superintendent's recommendation, and such other information as it deems

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appropriate, the Board shall render a final decision.

9. The right of appeal shall be forfeited by the complainant if at any level of the appeal process the complainant fails to timely comply with each of the procedures set forth above including, but not limited to, submitting a written appeal which shall be received by the appropriate person in authority.

Legal Reference:

Code of Va., §22-1-253.13:7. Standard 7, Policy manual, --". . .D. Each local school board shall ensure that the policy manual includes the following policies, which shall be developed giving consideration to the views of teachers, parents, and other concerned citizens. . . .

2. A policy for the selection and evaluation of all instructional materials purchased by the school division, with clear procedures for handling challenged controversial materials; . . ." (1992)

Editor's Note

Procedures for selecting and evaluating materials are established at #6-47 of this manual.

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